

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

627B0544

## HOUSE BILL NO. 1159

Introduced by: Representatives Apa, Belatti, Brooks, Duniphan, Kooistra, Pummel, and Wetz  
and Senators Aker, Staggers, and Vitter

1 FOR AN ACT ENTITLED, An Act to limit the recovery of certain damages in cases involving  
2 noncompliance with financial liability laws of this state.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Except as provided in section 2 of this Act, in any action to recover damages  
5 arising out of the operation or use of a motor vehicle, no person may recover noneconomic  
6 losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, or  
7 any other nonpecuniary damages if any of the following apply:

8 (1) The injured person was the owner of a vehicle involved in the accident and the vehicle  
9 was not insured as required by the financial responsibility laws of this state; or

10 (2) The injured person was the operator of a vehicle involved in the accident and the  
11 operator cannot establish financial responsibility as required by the financial  
12 responsibility laws of this state.

13 Except as provided in section 2 of this Act, no insurer is liable, directly or indirectly, under  
14 any policy of liability or uninsured motorist insurance to indemnify for noneconomic losses of  
15 a person who has been injured as described in this section.

1       Section 2. If a person described in subdivision 1 of section 1 of this Act was injured by a  
2       person who at the time of the accident was operating a vehicle in violation of § 32-23-1 and was  
3       convicted of that offense, the injured person is not barred from recovering noneconomic losses  
4       to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, and other  
5       nonpecuniary damages.